IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2530 of 1992

Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAHESHKUMAR P JOSHI - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR HJ NANAVATI for Petitioner(s) : 1,
MR SIRAJ GORI, AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 19/04/2006

ORAL JUDGMENT

1.The petitioner was selected and placed in the waiting list for the post of Section Writer in the District Court, Junagadh pursuant to the selection call issued by the authorities by advertisement dated 10th October, 1986. At the relevant time in the year 1987 when the

select list was prepared, the petitioner was within the age limit. His turn, however, arrived in the year 1991-92 by which time he had crossed the upper age limit by a substantial margin. Though his turn arrived, he was not offered appointment which was communicated to him and which can be seen from the office order dated 29.1.92 which is impugned in the present petition.

2. Quite apart from the reason why the petitioner could not be appointed despiting finding place in the select list, learned advocate Shri Nanavati for the petitioner fairly conceded the proposition made by the learned AGP Shri Gori that the post in question itself was a temporary post. Many years have passed since the petitioner was denied a chance to serve as Section Writer. Considering the overall facts and circumstances arising in the petition, I find that the prayer made by the petitioner cannot be granted at this distant point of time.

3. In the result, the petition is rejected. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

(vjn)